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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,260	04/25/2005	Roland Oehm	OEHM - 1 (PCT)	4861
25889	7590	08/22/2006	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			BASICHAS, ALFRED	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,260

Applicant(s)

OEHM, ROLAND

Examiner

Alfred Basichas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed April 25, 2005, fails to fully comply with 37 CFR 1.98(a)(2), which requires **a legible copy of each cited foreign patent document**, each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The US patents have been considered, but the foreign references, with the exception of the German reference no. 19610106, have been crossed out for lack of copies.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Niepenberg (3,700,376), which shows all of the claimed limitations.

1. Burner, particularly for liquid or gaseous fuels, having a fuel nozzle (14) which is centrally disposed in a burner pipe (5a) and surrounded by a catchment element (5c) also disposed in the burner pipe, which element separates the combustion air that is fed through the burner pipe into a central main stream that flows through the catchment element, and a secondary stream that flows around the catchment element, whereby the main stream and the secondary stream are brought together again behind the fuel nozzle, in the region of the burner flame, characterized in that the catchment element is

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arranged stationary relative to the fuel nozzle (may remain stationary depending on operating requirements regardless of the ability to do otherwise), has the shape of the shell of a double truncated cone, and leaves a flow cross-section for the main stream that first narrows and then widens again, as well as a flow cross-section for the secondary flow that first widens and then narrows again (see at least fig. 3), whereby the upper edge and the lower edge of the catchment element form control edges (see at least fig. 3), and the catchment element is surrounded by a pipe-shaped annular throttle (5b) that is movable in an axial direction in the burner pipe, which throttle has two control collars (see at least fig. 3) that protrude towards the inside and are located across from the control edges of the catchment element, to control the amount of combustion air that is transported in the secondary stream.

2. Burner as recited in claim 1, characterized in that in the "start" position, the inflow-side control edge of the catchment element and the inflow-side control collar of the annular throttle lie close to one another (see at least fig. 3).

3. Burner as recited in claim 1, characterized in that in the "open" position (normal operation), the control edges of the catchment element and the control collars of the annular throttle that lie opposite them leave passage gaps between them of approximately the same size, whereby the inflow-side control collar of the annular throttle lies ahead of the inflow-side control edge of the catchment element, seen in the flow direction.

4. Burner as recited in claim 1, characterized in that in the "full load" position, the gap left between the inflow-side control edge (7a) of the throttle element and the related control collar of the annular throttle is smaller than the gap left between the outflow-side control edge of the catchment element and the related control collar of the annular throttle, whereby the inflow-side control collar of the annular throttle lies behind the inflow-side control edge of the catchment element, seen in the flow direction.

Claims 2-4 recite functional limitations of which Niepenberg is capable of performing.

Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Voorheis shows a burner with many, if not all, of the claimed components. Nevertheless, in order to avoid overburdening the applicant with redundant rejections, these references were not applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272

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4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

August 15, 2006



Alfred Basichas
Primary Examiner